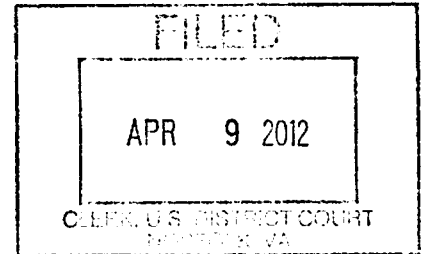


UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA
Newport News Division



MARYANN TETREAULT,

Plaintiff,

v.

ACTION NO. 4:11cv159

ADVANCED FEDERAL
SERVICES CORPORATION,

Defendant.

ORDER

This matter comes before the court on the Motion to Dismiss Count III of Plaintiff's Complaint, filed by the defendant on January 27, 2012. The matter was referred to a United States Magistrate Judge by order of March 5, 2012, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and (C) and Federal Rule of Civil Procedure 72(b), to conduct hearings, including evidentiary hearings, if necessary, and to submit to the undersigned proposed findings of fact, if applicable, and recommendations for the disposition of the motion.

The United States Magistrate Judge's Report and Recommendation was filed on March 15, 2012. The United States Magistrate Judge recommended that the defendant's Motion to Dismiss Count III of the Complaint be granted. By copy of the Report and Recommendation of the Magistrate Judge, the parties were advised of their right to file written objections thereto. The court has received no

objections to the Magistrate Judge's Report and Recommendation, and the time for filing same has expired.

The court does hereby adopt and approve in full the findings and recommendations set forth in the Report and Recommendation of the United States Magistrate Judge filed March 15, 2012. Accordingly, the defendant's Motion to Dismiss Count III of the original Complaint, alleging a retaliation claim under Title VII, is **GRANTED**. Plaintiff filed an Amended Complaint on April 4, 2012, pursuant to the court's Order dated March 27, 2012. To the extent that Count III of the Amended Complaint is identical to the original Complaint in alleging a retaliation claim under Title VII, Count III of the Amended Complaint is also **DISMISSED**, as the plaintiff has not exhausted her administrative remedies on the retaliation claim under Title VII and filed no objection to this finding and recommendation of the United States Magistrate Judge as set forth above.

The Clerk shall forward a copy of this Order to all parties of record.

It is so **ORDERED**.

/s/
Rebecca Beach Smith
Chief
United States District Judge



REBECCA BEACH SMITH
CHIEF UNITED STATES DISTRICT JUDGE

Norfolk, Virginia

April 6, 2012